

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Rescission of the	)	
Waiver Granted to the City of	)	<b><u>Case No. GO-2018-</u></b>
Kennett, Missouri, from Commission	)	
Rule 4 CSR 240-40.030(15)(C)	)	

**JOINT MOTION TO ESTABLISH A DOCKET TO RESCIND WAIVER GRANTED  
TO THE CITY OF KENNETT, MISSOURI, FROM RULE 4 CSR 240-40.030(15)(C)**

**COME NOW** the Staff of the Missouri Public Service Commission and the City of Kennett, Missouri, through the undersigned counsel and for this Joint Motion to Establish a Docket to Rescind Waiver ("Motion") state:

1. On May 20, 2003, in Case No. GE-2003-0503, the City of Kennett, Missouri ("Kennett"), applied for a waiver with respect to one specific customer-owned yard line from the requirements of 4 CSR 240-40.030(15)(C) which requires replacement of steel yard lines.

2. On June 6, 2003, Staff filed a recommendation in Case No. GE-2003-0503 in which Staff recommended the Commission grant the requested waiver, subject to the condition that Kennett conduct an annual instrument leak survey and an annual cathodic protection survey on the subject yard line.

3. On July 22, 2003, in Case No. GE-2003-0503, the Commission issued an order granting Kennett a waiver from Rule 4 CSR 240-40.030(15)(C)(3) "subject to the condition that the City of Kennett, Missouri, conduct an annual instrument leak survey and an annual cathodic protection survey on the subject 6-inch yard line after each fiscal year and, further, file the results thereof with the Commission within thirty days after it is completed."

4. Since then, Kennett has been making filings of its survey results as a “Non-Case Related Submission” with the Commission. (See EFIS filings BORD-2008-0079, BORD-2008-0080, BORD-2008-0081, BORD-2008-0082, BORD-2008-0083, BORD-2009-0075, BORD-2010-0118, BORD-2011-0112, BORD-2012-0132, BORD-2013-0188, BORD-2014-0283, BORD-2015-0032, BORD-2016-0186, and BORD-2017-0228).

5. This year, in its annual filing (BORD-2018-0198), the Gas Department Superintendent of the Kennett Board of Public Works, on behalf of Kennett, stated as follows:

I am writing you today to inform you that the yard line located on the Three Rivers Community College (formerly Emerson Electric) property is no longer in use. We were granted a waiver on this yard line years ago. **We have removed the meter at this location and the property has not been in use for several years.**

**At this time we request to formally end the waiver for this property.**

We are providing this letter pursuant to Missouri Public Service Commission Case No. GE-2003-0503.

(Emphasis added)

6. Since the meter has been removed (thereby effectively abandoning the yard line in place) and the property is not in use, Kennett requests and Staff recommends that the Commission issue an order officially rescinding the waiver granted to Kennett in Case No. GE-2003-0503.

**WHEREFORE**, Kennett and Staff request (1) that the Commission establish a docket and rescind the waiver granted to the City of Kennett in Case No. GE-2003-0503 because the meter has been removed at the subject property and the property is no longer in use, (2) that the Commission direct that a copy of its order in this case be

entered in Case No. GE-2003-0503, and (3) for such further orders as the Commission deems proper.

Respectfully submitted,

**/s/ Jeffrey A. Keevil**

Jeffrey A. Keevil  
Missouri Bar No. 33825  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 526-4887 (Telephone)  
(573) 751-9285 (Fax)  
Email: [jeff.keevil@psc.mo.gov](mailto:jeff.keevil@psc.mo.gov)

Attorney for the Staff of the  
Missouri Public Service Commission

**/s/ Terry M. McVey**

Terry M. McVey  
Missouri Bar No. 28137  
Crow, Reynolds, Shetley, McVey &  
Scherer, LLP  
308 First Street  
P.O. Box 189  
Kennett, MO 63857  
Phone - 573-888-4664  
Fax - 573-888-0322  
[terry@crsmslaw.com](mailto:terry@crsmslaw.com)

Attorney for the City of Kennett, Missouri

### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record this 27<sup>th</sup> day of November, 2017.

**/s/ Jeffrey A. Keevil**